

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

DANTE BENJAMIN HAYWARD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CASE NO. CV423-156
	)	
JUDGE F. GATES PEED, Effingham	)	
Superior Court In His	)	
Individual And Official	)	
Capacity; BRIAN A. DEAL,	)	
Assistant District Attorney In	)	
His Individual And Official	)	
Capacity; and K-9 SGT. BRIAN	)	
MUNDY, Effingham County	)	
Sheriff's Department;	)	
	)	
Defendants.	)	
	)	

---

O R D E R


Before the Court is the Magistrate Judge's July 6, 2023, Report and Recommendation (Doc. 7), to which Plaintiff Dante Benjamin Hayward has filed an objection (Doc. 9). After a careful review of the record,<sup>1</sup> Plaintiff's objection is **OVERRULED** (Doc. 9), and the report and recommendation (Doc. 7) is **ADOPTED** as the Court's opinion in this case.

---

<sup>1</sup> The Court reviews de novo a magistrate judge's findings to which a party objects, and the Court reviews for clear error the portions of a report and recommendation to which a party does not object. 28 U.S.C. § 636(b)(1); see Merchant v. Nationwide Recovery Serv., Inc., 440 F. Supp. 3d 1369, 1371 (N.D. Ga. 2020) (citing Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006) (per curiam)) (outlining the standard of review for report and recommendations).

In the report and recommendation, the Magistrate Judge explained that this Court is not empowered to direct state court judges to perform their duties. (Id. at 2.) Although Plaintiff attempts to recharacterize his request as seeking an "order for the lower courts to refrain from violating [his] right to appeal through due process," the substance of his objection makes clear that he seeks an order requiring the state court to consider the merits of his currently pending motions. (Doc. 9 at 1, 2 ("Plaintiff request [sic] that this court write a written order for the lower courts to proceed with the Motion for New Trial . . . .").) That recharacterization does not undermine the Magistrate Judge's correct explanation that "[f]ederal courts have no authority to issue writs of mandamus to direct state courts or their judicial officers in the performance of their duties." Burns v. Branham, No. CV408-205, 2009 WL 113454, at \*1 (S.D. Ga. Jan. 16, 2009). Therefore, the Court agrees with the Magistrate Judge's conclusion that Plaintiff has failed to state a claim upon which relief can be granted. Accordingly, Plaintiff's Complaint is **DISMISSED**. (Doc. 1.) The Clerk of Court is **DIRECTED** to close this case.

SO ORDERED this 7<sup>th</sup> day of August 2023.

  
 WILLIAM T. MOORE, JR.  
 UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF GEORGIA